

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

RICHARD M. ELBERT )  
                       )  
Plaintiff,           )  
                       )  
v.                   )      Case No. 11-0428-CV-W-HFS  
                       )  
KANSAS CITY, MISSOURI POLICE )  
DEPARTMENT, et al.,     )  
Defendants.          )

**ORDER**

Plaintiff has filed a motion to compel service of a second amended complaint on defendants Police Officer Hernandez and Detective Robert Gibbs. The docket sheet indicates that on September 21, 2011, service of the initial complaint was executed on Officer Hernandez (doc. 13), and on October 19, 2011, Assistant Attorney General Lauren A. Horsman, entered an appearance on behalf of officer Hernandez and other named defendants (doc. 21), therefore, service does not need to be repeated.

Service of the second amended complaint was unexecuted on Detective Gibbs due to incorrect address (docs. 89 and 90). Plaintiff complains about the return of service on this defendant, but it is plaintiff's responsibility to insure correct and appropriate information is provided so that proper service is timely effected. Lindstedt v. City of Granby, 238 F.3d 933, 937 (8<sup>th</sup> Cir. 2000) (pro se litigant must comply with the Federal Rules of Civil Procedure and other litigation rules as is a lawyer).

Accordingly, it is hereby

ORDERED that plaintiff's motion to compel service (ECF doc. 91) is GRANTED in part

and DENIED in part. The clerk of the court shall forward appropriate process forms to plaintiff, and within twenty days, plaintiff shall return the completed summons and service forms to the clerk's office showing the address where defendant Gibbs may be served. It is further

ORDERED that the clerk of the court issue summons and process after receiving the necessary information from plaintiff and to deliver same to the United States Marshall for service upon defendant Gibbs. The United States Marshall may first attempt service by certified mail, return receipt requested. It is further

ORDERED that the clerk of the court mail a copy of this order by regular mail, and certified mail, return receipt to plaintiff at:

8113 Troost

Kansas City, Mo. 64131

/s/Howard F. Sachs  
HOWARD F. SACHS  
UNITED STATES DISTRICT JUDGE

April 6, 2012

Kansas City, Missouri